

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|----------------------|
| UNITED STATES OF AMERICA, | : | |
| <i>ex rel.</i> SARAH BEHNKE, | : | |
| | : | CIVIL ACTION |
| Plaintiffs, | : | NO. 14-cv-824 |
| v. | : | |
| | : | |
| CVS CAREMARK CORPORATION, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW, this day of , 2018, the United States having notified the Court under the False Claims Act (31 U.S.C. § 3720(b)(4)), that the United States is not intervening in this *qui tam* action at this time, **IT IS ORDERED** that:

1. The Complaint shall be unsealed and served upon the defendants by the relator.
2. All other contents of the Court's file in this action – including but not limited to all of the United States' submissions – shall remain under seal and not be made public or served upon the defendants or the relator, except for this Order and the April 2, 2018 "Notice of the United States that it is not Intervening at this Time," which the relator will serve upon the defendants only after service of the Complaint.
3. The seal shall be lifted as to all other matters that occur in this action *after* the date of this Order.
4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The

United States may order any deposition transcript(s) and is entitled to intervene in this action, for good cause, at any time.

5. The parties shall serve all notices of appeal upon the United States.
6. All orders of this Court will be sent to the United States.
7. Should the relator, the defendants, or any later-named defendant(s) propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

BY THE COURT:

HONORABLE MITCHELL S. GOLDBERG
Judge, United States District Court

Furthermore, under 31 U.S.C. § 3730(c)(3), the United States requests that: (1) relator and the defendants serve on the government all pleadings filed in this action, as well as all notices of appeal; and (2) the Court send to the United States all orders issued by the Court. The United States reserves its statutory rights: (1) to order any deposition transcripts; (2) to intervene in this action, for good cause, at a later date; and (3) to seek dismissal of the relator's action or claim.


Finally, the United States requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers currently on file in this action (including all of the United States' submissions) remain under seal because, in discussing the content and extent of the United States' investigation, such papers were provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should have been extended.

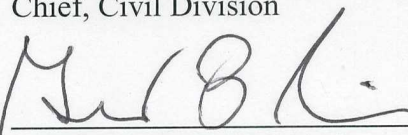
A proposed Order accompanies this Notice.

Respectfully submitted,

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